

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>DESERT ORCHID PARTNERS, L.L.C., individually and on behalf of all others similarly situated,</b>	)	
	)	
	)	<b>8:02CV553</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
<b>TRANSACTION SYSTEMS ARCHITECTS, INC., WILLIAM E. FISHER, GREGORY J. DUMAN, DWIGHT G. HANSON, DAVID C. RUSSELL and EDWARD FUXA,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	
	)	
<b>NANCY ROSEN, individually and on behalf Of herself and all others similarly situated,</b>	)	<b>8:02CV561</b>
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>TRANSACTION SYSTEMS ARCHITECTS, INC., WILLIAM E. FISHER, GREGORY J. DUMAN, DWIGHT G. HANSON, DAVID C. RUSSELL and EDWARD FUXA,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

This matter comes before the court on the defendants' Notice of Partial Compliance with Magistrate Judge Thalken's Order<sup>1</sup> Dated June 28, 2006 (Filing No. 335 in case 8:02CV553; Filing No. 377 in case 8:02CV561). The defendants filed an index of evidence (Filing No. 336 in case 8:02CV553; Filing No. 378 in case 8:02CV561) in support of the notice. The notice represents the parties' stipulation for fees associated with an award of the defendants' reasonable expenses and attorneys fees incurred in bringing the sustained

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<sup>1</sup> The order is located at Filing No. 329 in case 8:02CV553 and Filing No. 371 in case 8:02CV561.

portion of the February 14, 2006 motion to compel. The court granted<sup>2</sup> the motion to compel, in part, and after allowing the plaintiffs an opportunity to respond, granted an award of costs and fees. The court gave the parties the opportunity to file a stipulation of the expenses and fees to be awarded. The parties have stipulated to the amount of expenses and fees associated with the sustained portion of the motion to compel. The parties agreed the plaintiffs would pay the defendants the amount of \$4,064.00. **See** Filing No. 198. The plaintiffs had appealed the award of sanctions, however such appeal has been resolved. **See** Filing No. 339 in case 8:02CV553; Filing No. 381 in case 8:02CV561. Accordingly,

**IT IS ORDERED:**

1. The parties' stipulation (Filing No. 335 in case 8:02CV553; Filing No. 377 in case 8:02CV561) regarding expenses and fees to be awarded to the defendants is hereby approved.

2. The plaintiffs shall pay the defendants \$4,064.00.

DATED this 26th day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge

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<sup>2</sup> The order is located at Filing No. 301 in case 8:02CV553 and Filing No. 343 in case 8:02CV561.